

**ITEM NO.** 7

**COMMITTEE DATE:** 14/01/2013

**APPLICATION NO:** 12/1426/03 FULL PLANNING PERMISSION

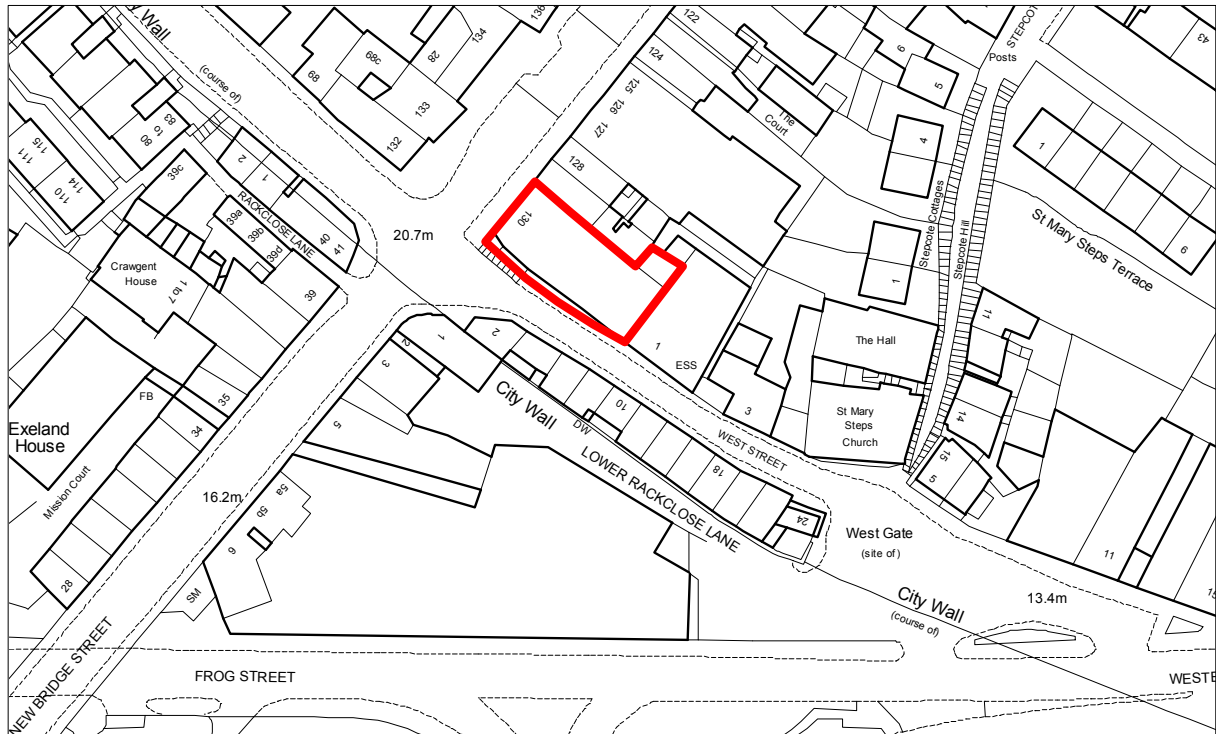
**APPLICANT:** Mr S F Captain

**PROPOSAL:** Alterations and roof level redevelopment to provide 14 flats with associated access and communal facilities

**LOCATION:** 130 Fore Street, Exeter, EX4 3JQ

**REGISTRATION DATE:** 15/10/2012

**EXPIRY DATE:** 14/01/2013



Scale 1:1250

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## **DESCRIPTION OF SITE/PROPOSAL**

The application site is located on the junction of Fore Street and West Street. The site is located within the Central Conservation Area. The proposal relates to two distinct parts of the building. The front section is a three/four storey building. It includes a retail store, Langham's, on the ground floor, which fronts onto Fore Street, with residential flats above. This part of the building is essentially unaffected by the application although one flat (Unit 1) is proposed beneath the existing retail store. The rear section of the building which fronts onto West Street was previously used for storage in connection with the retail. This section of the building is currently either underused or vacant and it is within the part of the building which is to be converted and extended to provide a total of 14 new residential flats (13 No. one bedroomed and 1 No. two bedroomed). No car parking spaces are proposed with this scheme.

The application proposes to provide 4 No. flats at ground floor level which will front onto West Street. Three of these flats (Units 1, 2 & 3) will utilise the existing high ceilings to create a mezzanine level to contain the double bedroom and bathroom which would be set back from the full height glazing fronting onto West Street. Units 1, 2 and 3 would have a total internal space of between 48 sq metres and 56 sq metres each. The final flat in the ground floor (Unit 4) is located within the south eastern corner of the building and is contained on

one level, as it takes advantage of a side window and a light well to the rear of the building. All the flats would be served by a new communal entrance onto West Street with glazed canopy with internal stairway and centrally located lift. The communal bin store is contained within the building and located adjacent to this new entrance. This bin storage area would measure a total of approximately 10 metres.

Given the significant change in levels along West Street, an additional one bedroomed flat (Unit 5) is located above Unit 4 and follows a similar layout, with the main living accommodation facing towards West Street and the bedroom and shower room being served by a side window and rear facing light well.

The full first floor is still contained within the existing building but with reconfigured windows to serve the new units. This floor contained 3 No. one bedroomed flats (Units 6, 7 and 8) which have internal measurements of between approximately 48 sq metres and 55 sq metres each. These units would be served by full height windows containing juliet balconies and facing towards West Street.

The second floor incorporates 3 No. one bedroomed flats (Unit 9, 10 and 11) and would be achieved through an extension which would increase height of the building. The floor plan would replicate the one below for Units 6, 7 and 8.

The new third floor contains a further 2 No. one bedroomed flats (Units 12 and 13) with internal dimensions of 60 sq metres and 54 sq metres respectively. These flats would also face onto West Street and contain full height windows. This floor also provides access to a communal roof garden located to the south west of the building. This area would be accessible to all flats and provides an area of approximately 45 sq metres. This area is in part screened to prevent overlooking into the adjacent residential flats in Fore Street.

The fourth/top floor extension provides a 1 No. two bedroomed flat (Unit 14) which has access to its own private roof garden. This flat provides internal measurements of 61 sq metres and includes a single and double bedroom. This flat is set back from the West Street frontage by 0.8 metres to provide a balcony and has a flat roof design with standing seam zinc roof.

The elevational appearance of the main front building which faces onto Fore Street will remain unchanged as a result of this application. The rear would increase in height from approximately 8.5 metres to 12.5 metres when measured from the floor level at West Street and would rise to a maximum height of 15 metres set back 0.8 metres from the frontage. This would align with the existing highest point of the building which is set back from the West Street frontage and currently largely unseen. The conversion and new build would be finished in render to match the existing property with aluminium window frames and a standing seam zinc roof.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement has been submitted:-

## **REPRESENTATIONS**

2 letters of objection received concerning:-

- i) overbearing scale of development onto West Street;
- ii) loss of light to residents living opposite and users of the street;
- iii) impact on the conservation area;
- iv) no parking provision/insufficient cycle storage;
- v) no privacy for future occupier;
- vi) loss of views from Fore Street towards St Mary Step Church;
- vii) inadequate refuse provision;

- viii) potential for additional vehicles coming to the premise;
- ix) existing school already over subscribed.

1 letter of no objection.

## **CONSULTATIONS**

The County Director of Environment, Economy and Culture comments that this proposal has been submitted as a 'car free' development, which is appropriate when taking into consideration the site's proximity to central shopping/leisure facilities and public transport routes. A revised 'Green Travel Statement received on 20<sup>th</sup> November 2012, is generally acceptable and now includes additional clauses to make all occupants aware that they do not qualify for additional on-street parking permits and that one of the occupants or a manager will be responsible for updating and the implementation of the items contained in the Statement. A condition is recommended to secure the provision of the cycle parking facilities.

The Assistant Director Environment comments on the need for additional refuse storage and a condition regarding hours of construction/demolition.

The RSPB comment that there is a need for a financial contribution in connection with Natura 2000 to cover potential impact on the Exe Estuary and Dawlish Warren. In addition, there is a requirement for swift boxes in accordance with the Residential Design Guide SPD.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance: National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP17 - Design and Local Distinctiveness

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development

CO6 - Quality of New Development

C07 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

C1 - Conservation Area

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG4 - Residential Layout and Amenity

DG7 - Crime Prevention and Safety

Central Conservation Area.

Council's Supplementary Planning Document 'Residential Design' Adopted September 2010

## **OBSERVATIONS**

The principle of conversion and expansion of the area behind 130 Fore Street to create residential accommodation is considered acceptable. Langham's retail store which fronts onto Fore Street is a significant three storey building and although not listed represents an important building within the street scene. In contrast the buildings currently used for storage in association with the retail store located behind the main store and fronting onto West Street have little architectural merit. They are identified as making a negative impact on the

character of the area in the Central Conservation Area Appraisal. It is therefore considered that the principle of significant alteration and extension of this section of the building is acceptable. Indeed the proposed scheme represents an opportunity for the enhancement of the West Street frontage which would be beneficial for the conservation area within which this building is located. Consequently whilst the principle of residential development is considered appropriate in this location, the proposal needs to be assessed in terms of the level of residential units proposed; the scale, height and massing of the building; the elevational treatment and the internal and external amenity provision for the future residents.

The application proposes a total of 14 units contained in part within the existing high ceilings of the flat roofed two/three storey structure with an extended three further storeys above. In practice, it is the shell of the existing building which is proposed to be used to create the new internal floors which offers the opportunity for a complete change in the window pattern and detailing. The existing windows are arranged as a combination of small panes but within large openings in the building. The proposal intends to continue the theme of large warehouse proportioned windows but almost completely alter the position of the openings to correspond with the residential layout. Whilst this in part is due to the need to achieve maximum light for each flat, it also ensures that the current overall warehouse style of the building is retained. Given the lack of architectural quality of this existing elevation, a complete rearrangement of the window pattern is considered acceptable in this instance. The existing building is rendered and therefore the original window openings can be easily concealed on the completed building following re-render of the whole building and will accordingly appear as a uniform elevation.

It is considered that the additional storey heights proposed would not appear excessive given the scale and massing of the buildings which neighbour this site. The proposed additions would still be lower than the height of the existing building and comparable with other buildings which front Fore Street seen from West Street and beyond. Although the existing building is already higher than the adjacent premise, the Martial Arts Club the new extensions are proposed to be set away from this side boundary. Accordingly it is considered that the scale, massing and height of the building is acceptable in this location.

The scheme seeks to provide a total of 14 residential units of which 13 are one bedroomed and the top floor flat a two bedroomed unit. In general terms, the level of amenity provided for each occupant is good and compares favourably against the Residential Guide Supplementary Planning Document (SPD). Although there are minor shortfalls in some of the internal floor space provided as set out in the SPD, it is considered that the scheme creates a good level of internal amenity for future occupants which provides an efficient use of the site. The flats are generally single aspect facing onto West Street and therefore the need for the proposed large windows is not only an aesthetic requirement to comply with the style of the existing building but a functional requirement to enable maximum levels of light to enter each flat. In particular, the ground floor flats include mezzanine floors to serve the bedrooms which ensures that all areas of the accommodation have access to natural light. Whilst this arrangement is satisfactorily addressed for most of the flats, it is considered that Unit 1, which is located beneath the retail store, would be disadvantaged. The outlook for this flat would face directly onto the street steps which drop steeply from Fore Street to West Street. It is considered that this would offer a poor level of amenity, particularly in the kitchen area which is lower than the rest of the accommodation for this flat and located to the rear of the building. It is considered that this flat would represent a substandard level of amenity provision for future residents and therefore represents an overdevelopment of the site. The agent has agreed that this unit will be removed from the scheme and revised plans will be submitted to reduce the overall number of units to 13.

Whilst the internal arrangements of the proposed flats are comparable with the requirements of the Residential Design SPD, the external amenity space to be provided is less generous. The top floor flat has access to a private roof terrace which would offer views towards the Riverside Valley Park and therefore a good level of outside amenity. However the remainder of the flats would only have access to communal roof terrace with an area of 45 sq metres.

This would not comply with the SPD which requires access to private balcony area of 6 sq metres. However it is considered that the requirements for an appropriate elevational treatment and design which compliments the existing corner building represents a more important consideration in this instance. It is considered that the introduction of individual balconies would not produce the necessary elevational treatment required to front West Street and given the narrowness of the road, it is not anticipated that these balconies would be well used. It is therefore considered that the communal roof terrace with its significant open aspect offers a suitable compromise.

The number of units which the site can reasonably accommodate is based on the need for all facilities being contained within the building's envelope. The County Highway officer has confirmed that the scheme can be considered a 'car free' development subject to a condition requiring the submission of a green travel plan. In addition, an appropriate level of cycle parking is proposed within a secure internally accessed location. However concern is raised regarding the adequacy of the bin storage provision. The submitted scheme indicates a communal refuse storage area of 10 sq metres located adjacent to the main entrance. This is considered insufficient to serve the needs of 14 units. There is concern that inadequate space for refuse space could result in bins being located on the pavement immediately outside the building, Given the site is located within the conservation area and on a main route to historic city attractions this situation would not be acceptable. Accordingly it is considered that the bin store area should be relocated to the area previously identified to accommodate Unit 1. As previously stated this area is considered unsuitable as a residential unit but would provide more than adequate space for current and future bin storage provision. The agent has been made aware of this requirement and is willing to alter the plans accordingly. In addition, it is considered that a refuse management plan will be required which can be addressed through the imposition of a condition.

In summary, it is considered that the scheme would be acceptable if the amended plan adequately address the areas of concerns raised. In addition, a Section 106 Agreement (or an alternative means of securing payment) will be necessary, requiring a financial contribution towards protection of Natura 2000 sites.

### **WESTERN AREA WORKING PARTY**

11 December 2012 – Members agreed with the officer's view that the principle of the redevelopment of this site would be acceptable. Whilst it was accepted that the scheme would provide the opportunity for the enhancement of the existing building, there was concern about the amenity provision for Unit 1 and the adequacy of the bin store provision to meet the needs of 14 new residential units. Revised plans were therefore requested to meet these concerns.

### **RECOMMENDATION**

Subject to the receipt of revised plans which omit Unit 1 and the relocation of the bin storage area, the Assistant Director of City Development, in consultation with the Chair of Planning Committee, be authorised to grant **APPROVAL** subject to the completion of a Section 106 Agreement (or appropriate alternative means of securing payment) requiring a financial contribution towards protection of Natura 2000 sites.

**APPROVE** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on \*\*\*\* as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:  
a) windows to include materials, means of opening, reveals, cills and headers;  
b) external doors;  
c) rainwater goods;  
d) lighting;  
e) treatment of balcony;  
f) means of enclosure at first floor level;  
h) location of site compound  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) No part of the development hereby approved shall be occupied until all residents have been issued with a Green Travel Pack to inform them they will not qualify for on-street parking permits and shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and shall be updated annually.  
**Reason:** To ensure that all residents are aware of the 'car free' status of development.
- 6) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in location shown on drawing no. in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means
- 7) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:  
a) parking and vehicles of site personnel, operatives and visitors;  
b) loading and unloading of planting and materials;  
c) storage of plant and materials;  
d) programme of works to include measures for traffic management;  
e) vehicle washdown measures and facilities; and  
f) provision of boundary hoarding  
have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.  
**Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.

- 8) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 9) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 10) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority in consultation with the RSPB. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity in the locality.
- 11) Notwithstanding condition no 2 no work shall commence on site under this permission until a refuse bin storage management strategy plan has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details agreed at all times thereafter.  
**Reason:** In the interests of residential amenity.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director, City Development to **REFUSE** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223